

SENATE BILL 2733

By Tracy

AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 202; Title 68, Chapter 202; Title 68, Chapter 211; Title 68, Chapter 211; Title 68, Chapter 212 and Title 68, Chapter 212, relative to waste.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 202, Part 2, is amended by adding the following language as a new, appropriately designated section:

Section 68-202-2__.

(a) On or after the effective date of this act, no person shall knowingly accept, process or dispose of radioactive waste material in any landfill located in this state; provided, however, a federal entity may accept, process, or dispose of radioactive waste on-site as permitted under federal law.

(b) For purposes of this section:

(1) "Background" means the local level of radioactivity from nature of like materials without enhancement by human activity, plus the local levels of fallout from nuclear weapons testing and the local deposition of fallout from past nuclear weapons testing and the local deposition of fallout from past nuclear accidents located elsewhere in the world, including, but not limited to, the nuclear accident in Chernobyl. "Background" shall be determined as a range of values using statistical test and sampling protocols consistent with those specified in the Multi-Agency Radiation Survey and Site Investigation Manual developed by the United States department of defense, department of energy, nuclear regulatory commission, and environmental protection agency, published

as NUREG-1575, EPA 402-R-97-016, and DOE/EH-0624, and any current or future revisions;

(2) "Facility" means all contiguous land including structures and other appurtenances and improvements on the land used for processing, disposal or land application of solid waste by an owner or operator;

(3) "Landfill" means a facility where solid wastes are disposed of by burial in excavated pits or trenches or by placement on land and covering with soil or other approved material;

(4) "On-site" means on a site of generation owned by a federal entity. On-site further means the same or geographically contiguous property which may be divided by a public or private right-of-way. Noncontiguous property owned by federal entity that is connected by a right-of-way which such federal entity controls and to which the public does not have access is also considered on-site property;

(5) "Operator" means the person or persons holding written authorization granted by the commissioner to operate a landfill, or who are otherwise responsible for the operation of a landfill;

(6) "Naturally occurring radioactive material" means material containing radionuclides that are naturally present in the environment in materials, including, but not limited to, rocks, soil, minerals, natural gas, petroleum, and ground or surface water at concentrations that occur naturally. Naturally occurring radioactive material does not include material containing only radionuclides that are artificially created; byproduct, source, or special nuclear material as defined in this part; or

any other material determined by the department to be radioactive material for the purposes of this section; and

(7) "Radioactive waste material" means solid waste that emits radiation spontaneously. Radioactive waste material does not include:

(A) Waste with radioactivity below the background level when measured with the best available technology; or

(B) Naturally occurring radioactive material.

SECTION 2. This act shall take effect July 1, 2008, the public welfare requiring it.